

REMARKS

In the aforesaid Office Action, claim 13 was rejected under 35 USC §102(b) as being anticipated by Condon et al. (U.S. Patent No. 5,188,596), and claims 8-10, 12, and 14-26 were rejected under 35 USC §103(a) as being unpatentable over Condon et al. in view of Muni et al. (U.S. Patent No. 5,316,706). Claims 8-10 and 12-26 are pending.

The Examiner rejected claim 13 under 35 USC §102(b) as being anticipated by Condon et al., and claims 8-10, 12, and 14-26 under 35 USC §103(a) as being unpatentable over Condon et al. in view of Muni , stating, regarding claim 13, that Condon et al. teaches all the claimed subject matter including a transparent shaft section proximal to a non-transparent balloon section (fig. 7).

However, contrary to the Examiner's assertion, Condon et al. does not disclose or suggest a transparent shaft section located proximal to a nontransparent distal shaft section. The Fig. 7 embodiment of Condon et al referred to by the Examiner involves a nontransparent shaft 66 (see column 4, lines 40-42; column 6, lines 41-45). The Examiner further states, "see column 6, lines 32-36 for non-transparent balloon". However, the optionally non-transparent balloons of Condon et al. are mounted on the underlying catheter shaft (i.e., "catheter 22/50/66") of Condon, and thus do not form a non-transparent shaft section. Although Condon et al. does disclose embodiments in which the catheter shaft (i.e., "catheter 22/50") is transparent, there is no teaching or suggestion in Condon et al. of providing a transparent proximal shaft section, and a nontransparent distal shaft section as required by claims 8 and 13, or an inflatable

member (e.g., balloon) on the distal section of the shaft, having a proximal end located distal to a distal end of the substantially transparent proximal shaft section as required by claims 13 and 24. Rather, Condon et al. discloses that the entire length of the catheter is transparent or partially transparent.

It should be noted that the term “proximal” in Condon et al. refers to the end of the catheter inserted into the patient (see column 5, lines 10-15), which is opposite to the meaning of the term in Applicant’s specification (unless otherwise noted, the terms “proximal” and “distal” are used here in Applicant’s sense of distal being the end of the catheter furthest from the physician, i.e., the end inserted into the patient).

Moreover, Condon et al. requires visualization “at least within the proximal 4-7 inches in order to permit visualization of the structures comprising and adjacent the prostate” (see column 3, line 39; and note that the term “proximal” in the quoted sentence refers to what Applicant’s would call “distal”), so that Condon et al. teaches away from a nontransparent distal section (i.e., the end inserted into the patient) located distal to a transparent proximal section.

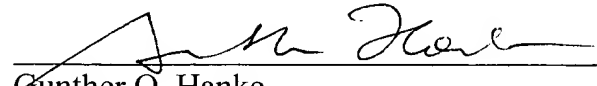
Similarly, Muni et al. does not disclose or suggest a transparent proximal section and a nontransparent distal section.

Regarding claims 15 and 22, which require that the transparent shaft section is an outer tubular member having an inner tubular member therein, the references do not disclose or suggest such a configuration.

In light of the above amendments and remarks, applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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